

Pursuant to due call and notice thereof a regular meeting of the Council in and for the City of Albany, Stearns County, Minnesota, was called to order by Mayor Daron Gersch at 6:30 o'clock in the evening on Wednesday, August 6, 2014, in the Council Room at 400 Railroad Avenue for the said City.

Other Council members present were: Councilors Laurie Dingmann, Tom Kasner, John R. Harlander, and John Greer. None were absent. Also present were: Tom Schneider, Clerk/Adm., Joe Mergen, Public Works Supervisor, Ozzie Carbajal, Police Chief, Jeremy Mathiasen, City Engineer with Stantec, Inc., and Mike Kosik, Staff Writer, Albany Enterprise. After due discussion, a motion was made by Mayor Daron Gersch and seconded by Tom Kasner to authorize the payment of the following bills: Check Numbers 64551 to 64610 and 15316 to 15345. All voted for the motion and it carried. The complete check register is on file at the office of the City Clerk/Adm. for public inspection during regular office hours.

Mayor Daron Gersch called for any corrections or additions to the minutes of the regular Council meeting held on July 16th and hearing none declared them approved.

Larry and Shelly Schwinghammer, owners of Grin-N-Giggle Child Day Care, 230 Church Avenue, appeared before the Council to question if their day care operation could be located at 331 7th Street, the former Creamery Apartment property, and what zoning ordinance regulations need to be addressed. Mr. Schneider noted that the property is zoned R1, Low Density Residential, which regulates day care operations to very few children. Ms. Schwinghammer informed the Council that they do not own the property, but are looking at options to purchase if the City will allow the use within the Residential Zoning District. Ms. Schwinghammer also noted that there is a need for nearly 45 children. Mr. Schneider noted that any changes to the current zoning for this property would result in spot zoning which is not permitted. Mr. Greer noted that before any action can be considered before the Planning Commission, a purchase agreement must be submitted with an application, and directed Ms. Schwinghammer to contact an attorney to assist them with their decision as to how they wish to proceed.

Mark Janovec, PG, Stantec, Inc., the City Engineer, and Karen Voz, Principal Planner with the Minnesota Department of Health (MDH), was present for the meeting.

Pursuant to due notice, at 6:40 PM, Mayor Daron Gersch called the public hearing into session for the purpose of reviewing the draft Part 2 Wellhead Protection Plan. Mr. Janovec informed the Council the purpose of the plan is to prevent human-caused contamination from entering the municipal water supply wells. Mr. Janovec noted that the City's municipal wells are less vulnerable due to the depth and geological protection layer of clay and sand/gravel. Mr. Janovec also presented to the Council and public a map depicting the Drinking Water Supply Management Area (DWSMA), the area delineated using identifiable land marks that reflects the scientifically calculated wellhead protection area boundaries as closely as possible per Minnesota Rules, Part 4720.5210, Subpart 3. Ms. Voz informed the Council that the draft plan has been prepared very well and noted that Stearns County adopted an Ordinance that requires them to notify the City when building permits are issued within the DWSMA. Ms. Voz noted that the Wellhead Protection Manager will make a written report to the MDH every two (2) years regarding progress in implementing the wellhead protection management objectives; whereas the plan will need to be updated in ten (10) years or as the MDH mandates updates due to new well construction. Mayor Daron Gersch closed the public hearing at 6:50 PM. After due discussion, a motion was made by John Greer and seconded by John R. Harlander to approve the said Plan and to forward to MDH requesting that the plan be reviewed and approved. All voted for the motion and it carried.

Richard Ward, 1201 Shamrock Lane, was present for the meeting.

Pursuant to due notice, at 6:55 PM, Mayor Daron Gersch called the public hearing into session to consider and possibly adopt the proposed assessments set forth for unpaid City charges incurred under City Code Section 77. Mr. Mergen informed the Council that notices were mailed to property owners who neglected to mow their grass/weeds and a local contractor was hired to mow the grass/weeds. Mr. Mergen noted that every year the City receives complaints on the same properties which are mainly vacant or undeveloped lots. Mr. Mergen noted that the fees as per Appendix A, Albany Schedule of Fees and

Charges are \$250 per lot. Mr. Ward appeared before the Council to inform the Council that the wrong date appeared on his notice, objected to being billed for two lots, and believes the fees are too high. Mr. Mergen informed the Council that a proper notice was given to Mr. Ward, but there was a typo on one of the notices. No other property owners who received notice of the public hearing were present for the meeting. Mayor Daron Gersch closed the public hearing at 7:15 PM. After due discussion, a motion was made by Tom Kasner and seconded by John Greer to certify to the Stearns County Auditor the following unpaid City charges (\$250/lot) incurred under City Code Section 77 to be collected as a special assessment in the year 2015: 420 12th Street, 441 7th Street, 1230 Stonebrooke Drive, 347 Countryside Lane, 1201 Shamrock Lane, 1041 Shamrock Lane, 1200 Parkview Court, and 710 Church Avenue. All voted for the motion and it carried.

Mr. Mathiasen presented to the Council the following bids that were publically opened at 11:00 o'clock in the morning on Thursday, July 31st at City Hall, 400 Railroad Avenue for the 2014 Church Avenue Improvements (5th to 8th St.):

<u>Contractor</u>	<u>Base Bid</u>	<u>Alternate No.1</u>
-Lange Trenching, Inc.	\$296,254.46	\$20,103.00
-C&L Excavating, Inc.	\$342,066.94	\$19,101.60
-J.R. Ferche Companies, Inc.	\$393,842.05	\$13,200.00
-LandPride Construction, LLC	\$459,467.59	\$29,640.00

Mr. Mathiasen noted that the estimate for the base bid was \$322,000 and that the alternate bid related to restoration work, grading and seeding behind the curb. After due discussion and upon the recommendation by the City Engineer, a motion was made by Mayor Daron Gersch who introduced the following Resolution and moved its adoption:

RESOLUTION 2014-18
 RECEIVING BIDS AND AWARDED CONTRACT
 2014 CHURCH AVENUE IMPROVEMENTS (5TH TO 8TH STREET)
 (Lange Trenching, Inc., \$296,254.46)

The motion for the foregoing Resolution was seconded by Laurie Dingmann and after a full discussion thereon and upon a vote being taken thereon, the following voted in favor thereof: Mayor Daron Gersch, Councilors Tom Kasner, John R. Harlander, John Greer and Laurie Dingmann, and none voted against the same whereupon the said Resolution was declared duly passed and adopted. The full text of the said Resolution is on file at the office of the City Clerk/Administrator for public inspection during regular office hours.

Mr. Mathiasen presented to the Council a bid in the amount of \$19,355 for the restoration work, grading and seeding behind the curb, submitted by Loren's Tree and Landscaping, Albany, MN for the 2014 Church Avenue Improvements (5th to 8th St.). After due discussion, a motion was made by Tom Kasner and seconded by John R. Harlander to approve the said bid. All voted for the motion and it carried.

Mr. Mathiasen presented to the Council a resolution to schedule a public hearing declaring the costs to be assessed for the 2014 Church Avenue Improvements (5th to 8th St.). Mr. Mathiasen noted that the amount to be assessed against benefitted property is \$65,364.17. Mr. Mathiasen also noted that the total estimated project costs which include indirect project costs, City costs, and contingencies is \$413,916. After due discussion, a motion was made by John R. Harlander who introduced the following Resolution and moved its adoption:

RESOLUTION 2014-19
 DECLARING COST TO BE ASSESSED; ORDERING PREPARATION
 OF PROPOSED ASSESSMENT, AND CALLING FOR PUBLIC HEARING
 2014 CHURCH AVENUE IMPROVEMENTS (5TH TO 8TH STREET)

The motion for the foregoing Resolution was seconded by Laurie Dingmann and after a full discussion thereon and upon a vote being taken thereon, the following voted in favor thereof: Mayor Daron Gersch, Councilors John R. Harlander, John Greer and Laurie Dingmann. Councilor Tom Kasner abstained and none voted against the same whereupon the said Resolution was declared duly passed and adopted. The full text of the said Resolution is on file at the office of the City Clerk/Administrator for public inspection during regular office hours. The public hearing is at 6:30 PM on Wednesday, September 3rd at City Hall.

Mr. Mathiasen updated the Council on the final progress for the completion of the 2013 Railroad Avenue (TH #238) Improvements. Mr. Mathiasen informed the Council that no final decision has been agreed upon regarding the payment structure between MnDOT, and R.L. Larson Excavating, Inc. for the removal and replacement of the concrete curb/gutter and grinding the concrete surface of the roadway Mayor Daron Gersch, with the consensus of the Council, directed Mr. Mathiasen to inform all parties involved that the City will only pay up to \$10,000 for the said repairs.

Mr. Mergen presented to the Council a list of property owners that have not paid their utility (water/sewer) bill after receiving notices that their utility bills were past due pursuant to Ordinance 30. Mayor Daron Gersch, with the consensus of the Council, directed Mr. Mergen to make one final contact with the property owners to encourage full payment.

The Council took notice of a two-year Snow Removal Agreement between the City and Custom Waste Irrigation, Albany, MN, for snow removal services in a designated area selected by the City Council. Mr. Schneider noted that there is no rate increase for the renewal. After due discussion, a motion was made by John R. Harlander and seconded by Laurie Dingmann to approve the said Agreement. All voted for the motion and it carried.

Mr. Kasner informed the Council that the Insurance Service Office (ISO) recently completed its Public Protection Classification (PPC) survey, an analysis of the structural fire suppression delivery system of the Water Distribution System (needed flows), Albany Fire Department equipment, communication, and personnel. Mr. Kasner noted that ISO is an independent company that serves insurance companies, communities, fire departments, insurance regulators, and others by providing information about risk. Mr. Kasner also noted that ISO analyzes the relevant data and assigns a Public Protection Classification (PPC), a number from 1 to 10; whereby the lower the number represents an exemplary fire suppression program. Mr. Kasner noted that effective July 1, 2014, the Public Protection Classification rates have been revised to capture the effects of enhanced fire protection capabilities that reduce fire loss and fire severity benefitting fire service, community, and property owner. Mr. Kasner informed the Council that the City's PPC was reduced from a six (6) to a 05/5X. Mr. Schneider informed the Council that the new PPC may result in some savings to property owners depending on their insurance coverage on their property.

Mr. Carbajal appeared before the Council to inform the Council that his department is addressing parking complaints on Railroad Avenue between 2nd and 3rd Street. Mr. Carbajal noted that two individuals are being background for part-time work as a Patrol Officer. Mr. Carbajal noted that a new golf cart ordinance will be drafted this fall for the Council to review. Mr. Carbajal also noted that it will be his recommendation that golf carts only be allowed to drive on designated streets that are the shortest distance to and from the golf course and not operated on streets throughout the City. Mr. Schneider recommended to the Council that a public hearing be held prior to next golf season to allow the public to submit written or oral comments on the new golf cart ordinance.

Mayor Daron Gersch announced the next regular Council meeting for 6:30 o'clock in the evening on Wednesday, August 20, 2014 and adjourned the meeting at 8:45 PM.

Tom Schneider
Clerk/Adm.

